



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
TYRONE YEOMANS,

Plaintiff,

- against -

ENTERPRISE RENT-A-CAR CO. and
ELRAC, INC.,

Defendants.
-----X

05 Civ. 3850 (PAC)

OPINION AND ORDER

HONORABLE PAUL A. CROTTY, United States District Judge:

This case was removed from New York State Supreme Court on April 15, 2005 and subsequently reassigned to me on October 16, 2006. No action had been taken in the matter since its removal. At a conference held on November 21, 2006, Plaintiff's counsel asked to be relieved based on a lack of good faith basis to pursue Plaintiff's claim, and the Court granted Plaintiff 60 days to find new counsel or appear pro se at a conference on January 23, 2007. Plaintiff's counsel informed his client of the Court's order by regular and certified mail sent November 27, 2006. Neither Plaintiff nor any new counsel appeared at the January 23, 2007 conference.

Plaintiff's claims are accordingly DISMISSED for lack of prosecution. Plaintiff may reinstate his claims by communication with the Court within 60 days. The Clerk of the Court is directed to close out this case.

Dated: New York, New York
January 30, 2007

SO ORDERED


PAUL A. CROTTY
United States District Judge

Copies Mailed By Chambers

November 27, 2006

Via Regular and Certified Mail

Mr. Tyrone Youmans
306 Wells Court
Hampton, Virginia 23666

Re: Your Personal Injury Claim
Date of Loss: August 28, 2004
Our File No: JM2322

Dear Mr. Youmans:

As we have discussed previously, after fully reviewing your medical records, we are forced to advise you that we cannot continue to represent you in your claim from August 28, 2004. NYS Law requires a "serious injury" and based on all of the records and the photos of the vehicle, we do not believe we will be able to satisfy this requirement.

Please be advised therefore that you must find and retain new counsel to represent you within the next 60 days. During a recent telephone conference with Judge Crotty of the United States District Court, Southern District of New York, we were directed to advise you to either retain new counsel within 60 days or appear personally in the Southern District Court in Manhattan on January 23, 2007 at 4:30PM before Judge Crotty for a conference. Should you fail to retain new counsel, you must appear personally before the Judge. We thus urge to retain new counsel and have him/her contact us to transfer your file. This will be your only notification, so please act upon this quickly.

Very truly yours,

KASTON ABERLE & LEVINE
By: Richard M. Aberle

RMA/dj